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NOTE: CHANGES HAVE BEEN
MADE TO THIS DOCUMENT

8 Attorneys for United States of America

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 UNITED STATES OF AMERICA,) Case No. SACV 11-00610-DOC(Ex)
14)
Petitioner,) ORDER TO SHOW CAUSE
15)
vs.)
16)
FRANCO VESCOVI,)
17)
Respondent.)
18 _____)

19 Upon the Petition and supporting Memorandum of Points and
20 Authorities, and the supporting Declaration to the Petition, the
21 Court finds that Petitioner has established its *prima facie* case
22 for judicial enforcement of the subject Internal Revenue Service
23 ("IRS" and "Service") summonses. See United States v. Powell,
24 379 U.S. 48, 57-58, 85 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also
25 Crystal v. United States, 172 F.3d 1141, 1143-1144 (9th Cir.
26 1999); United States v. Jose, 131 F.3d 1325, 1327 (9th Cir.
27 1997); Fortney v. United States, 59 F.3d 117, 119-120 (9th Cir.
28 1995) (the Government's *prima facie* case is typically made

1 through the sworn declaration of the IRS agent who issued the
2 summons); accord, United States v. Gilleran, 992 F.2d 232, 233
3 (9th cir. 1993).

4 **THEREFORE, IT IS ORDERED** that Respondent appear before this
5 District Court of the United States for the Central District of
6 California in Courtroom No. 9D,

7 _____ United States Courthouse
8 312 North Spring Street,
9 Los Angeles, California 90012

10 _____ Roybal Federal Building and United States Courthouse
11 255 E. Temple Street,
12 Los Angeles, California 90012

13 **XX** Ronald Reagan Federal Building and United States Courthouse
14 411 West Fourth Street,
15 Santa Ana, California 92701

16 _____ Brown Federal Building and United States Courthouse
17 3470 Twelfth Street, Riverside, California 92501

18 on May 16, 2011, at 8:30 a.m.

19 and show cause why the testimony and production of books, papers,
20 records and other data demanded in the subject Internal Revenue
21 Service summonses should not be compelled.

22 **IT IS FURTHER ORDERED** that copies of this Order, the
23 Petition, Memorandum of Points and Authorities, and accompanying
24 Declaration be served promptly upon Respondent by any employee of
25 the Internal Revenue Service or by the United States Attorney's
26 Office, by personal delivery, or by leaving copies of each of the
27 foregoing documents at the Respondent's dwelling or usual place
28 of abode with someone of suitable age and discretion who resides

1 there, or by certified mail.

2 **IT IS FURTHER ORDERED** that within ten (10) days after
3 service upon Respondent of the herein described documents,
4 Respondent shall file and serve a written response, supported by
5 appropriate sworn statements, as well as any desired motions.
6 If, prior to the return date of this Order, Respondent files a
7 response with the Court stating that Respondent does not desire
8 to oppose the relief sought in the Petition, nor wish to make an
9 appearance, then the appearance of Respondent at any hearing
10 pursuant to this Order to Show Cause is excused, and Respondent
11 shall be deemed to have complied with the requirements of this
12 Order.

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16
17 DATED: April 25, 2011

David O. Carter

David O. Carter, U.S. District Judge

18
19 Presented By:

20 ANDRÉ BIROTTE JR.
United States Attorney
21 SANDRA R. BROWN
Assistant United States Attorney
22 Chief, Tax Division

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24 _____
TAMAR KOUYOUMJIAN
25 Assistant United States Attorney
Attorneys for United States of America
26 Petitioner